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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,763	04/17/2001	Cornelius Peter	TRW(AEC)5797	6818

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,763

Applicant(s)

PETER, CORNELIUS

Examiner

William A Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: ____

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because on line 8 the word "an", before the word "solenoid", should be replaced with the word --a--. Correction is required. See MPEP § 608.01(b).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for detecting and the triggering means as set forth in Claim 10, lines 2-5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The examiner MUST approve all changes to the drawings, other than informalities noted by the Draftsperson, before the application will be allowed. Applicant is required to submit a sketch or copy of the drawings with the proposed changes highlighted in red ink in response to this Office Action. Any proposed changes to the drawings must be submitted as a separate letter to the Draftsperson. See MPEP 608.02 (r). No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes. However, formal correction of the noted defect(s) can be deferred until the examiner allows the application.

Claim Rejections - 35 USC § 112, 2nd Paragraph

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 is vague and indefinite. On line 9, the phrase "capable of being moved" is unclear. What structure is being claimed? Is it "capable of" being moved or not? If so, it should be positively set forth in the claim.

With respect to Claim 2, line 4, there are two occurrences of the word "member". One of these words should be deleted.

With respect to Claim 10, the word "beld" should be replaced with the word --belt--.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst et al (German Patent No. 28 09 395) in view of Gorman et al (U.S. Patent No. 5,934,596).

With respect to Claims 1-3, 6, and 10, Ernst et al, Figures 1-7, teaches a belt retractor comprising a frame, a belt spool, a locking mechanism 10 for selective blocking of said belt spool, said locking mechanism comprising an external toothing a locking pawl 8 pivotally mounted on said frame for selective engagement with said external toothing, said locking pawl being biased into an engaged position and capable of being moved by means of a solenoid into an inactive position out of engagement with said external toothing; said locking pawl additionally bear laterally on said frame on a side facing away from the flange of the belt spool; wherein a laterally projecting armature plate of ferromagnetic material is rigidly connected to the locking pawl; means for detecting rotational acceleration and triggering means for deactivating

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said solenoid. Gorman et al, Figures 1-8, teach a belt spool having a pair of flanges and rotatably mounted in a frame and a locking mechanism mounted on at least one of said pair of flanges; wherein said external toothing is formed on a wheel member on said one flange of the belt spool, said flange extending radially beyond said wheel member and said locking pawl bearing laterally on said flange. It would have been obvious to one of ordinary skill in the art to provide Ernst et al with a spool with flanges, as taught by Gorman et al, for the purpose of preventing the belt to interfere with the operation of the locking pawl.

Allowable Subject Matter

Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claims 4 and 5 would be allowable over the prior art of record because the prior art of record does not teach or suggest the entire combination of elements of the belt retractor set forth including a frame, said frame has a side wall with a main section and a parallel offset wing connected to the main section by a bent wall strip, a bearing recess extending within said wing through said bent wall strip and into the main section of the side wall, said locking pawl having a rounded end pivotally accommodated in said bearing recess. None of the references of the prior art teach or suggest seat belt frame side wall features as advanced above and such does not provide the necessary motivation, absent applicant's specification, for modifying the side wall in the manner required by the claims.

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Claims 7-9 would be allowable over the prior art of record because the prior art of record does not teach or suggest the entire combination of elements of the belt retractor set forth including the belt spool being connected to an electric motor by a toothed belt and said base plate being supported on a side wall of said frame in such a way as to pivot to a limited extent, the toothed belt being set under tension by a pivoting motion of the base plate as a function of driving torque. None of the references of the prior art teach or suggest the belt spool being connected to an electric motor by a toothed belt and the belt being set under tension by a pivoting motion of the base plate as a function of driving torque as advanced above and such does not provide the necessary motivation, absent applicant's specification, for modifying the seat belt retractor in the manner required by the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takada et al '322 and '787, de Rosa, Takada, Asai et al, Andersson et al, Andersson, Rohrlé, and Jabusch et al, and Strobel are cited to show various other seat belt retractors of the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

Telephone status inquiries regarding this application should be directed to (703) 308-1113. Facsimile correspondence for this application should be sent to (703) 305-3597 or (703) 305-7687.

William A. Rivera

WILLIAM A. RIVERA
PRIMARY EXAMINER

April 19, 2002